

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HUMPHREYS & PARTNERS  
ARCHITECTS, L.P.,

Plaintiff,

vs.

COMMERCIAL INVESTMENT  
PROPERTIES, INC., STUDIO951, LTD.,  
and LUND COMPANY,

Defendants.

**4:19CV3046**

**AMENDED PROGRESSION ORDER**

Upon consideration of the joint motion to extend case progression (Filing No. 46),

IT IS ORDERED that the amended progression order is as follows:

- 1) The trial and pretrial conference are vacated and will not be set at this time.
- 2) A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **May 19, 2020 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is for Defendant, Lund Company is February 21, 2020.
- 4) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s): February 11, 2020

For the defendant(s): February 25, 2020

- 5) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is April 30, 2020. Motions to compel discovery under Rules 33, 34, and 36 must be filed by May 15, 2020.

**Note:** A motion to compel, to quash, or for a disputed protective order shall

not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 6) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): June 2, 2020.

For the defendant(s): July 1, 2020.

Rebuttal: July 14, 2020.

- 7) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 1, 2020.

For the defendant(s): July 31, 2020.

Plaintiff(s)' rebuttal: August 14, 2020.

- 8) The deposition deadline is October 15, 2020.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is November 14, 2020.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 14, 2020.
- 11) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 12) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 13) All requests for changes of deadlines or settings established herein shall be

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 10th day of February, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge